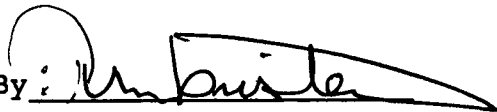


By: 

S.B. No. 246

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from the regulation of air conditioning and refrigeration contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. ^{Subsection (a),} Section 6(a), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This Act does not apply to a person who:

(1) performs air conditioning and refrigeration contracting in a building owned solely by him as his home;

(2) performs air conditioning or refrigeration maintenance work if (i) the person is a maintenance man or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the maintenance work is being performed, (ii) the work is performed in connection with the business in which the person is employed, and (iii) the person and the person's employer referred to in (i) above do not engage in the occupation of air conditioning and refrigeration contracting for the general public;

(3) performs air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility;

(4) is licensed as a professional engineer under The ^{1/}

1 Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
2 Statutes), performs work in connection with the business in which
3 the person is employed, and does not engage in the practice of air
4 conditioning and refrigeration contracting for the general public;

5 *Am. Com. Am. #10*
6 (5) performs process cooling or heating work for an
7 industrial operation such as a chemical plant, petrochemical plant,
8 refinery, natural gas plant, or natural gas treating plant [when
9 employed-by-that-operation];

10 (6) performs air conditioning and refrigeration
11 contracting on:

12 (A) a portable or self-contained ductless air
13 conditioning or refrigeration product that has a cooling capacity
14 of three tons or less;

15 (B) a portable or self-contained heating product
16 that does not require the forced movement of air outside the
17 heating unit; or

18 (C) environmental air conditioning equipment
19 that is intended for temporary use and is not fixed in place; or

20 (7) performs air conditioning services only on a motor
21 vehicle air conditioning unit or who employs a person who performs
22 air conditioning services only on a motor vehicle air conditioning
23 unit.

24 SECTION 2. This Act takes effect September 1, 1995.

25 SECTION 3. The importance of this legislation and the
26 crowded condition of the calendars in both houses create an
27 emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended.

1 By: Armbrister

S.B. No. 266

2 (In the Senate - Filed January 19, 1995; January 23, 1995,
3 read first time and referred to Committee on State Affairs;
4 February 14, 1995, reported favorably, as amended, by the following
5 vote: Yeas 9, Nays 0; February 14, 1995, sent to printer.)

6 COMMITTEE AMENDMENT NO. 1

By: Armbrister

7 Amend S.B. No. 266 by striking all of Subdivision (5) beginning on
8 Line 45, Page 1, and substituting the following:

9 "(5) performs process cooling or heating work for and
10 on the premises of an industrial operation to which the general
11 public is not routinely granted access. For purposes of this
12 section, "industrial operation" means ~~[such-as]~~ a chemical plant,
13 petrochemical plant, refinery, natural gas plant, ~~[or]~~ natural gas
14 treating plant, oil or gas well, or mining operation ~~[when-employed~~
15 ~~by-that-operation]~~;

16 A BILL TO BE ENTITLED
17 AN ACT

18 relating to an exemption from the regulation of air conditioning
19 and refrigeration contractors.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

21 SECTION 1. Subsection (a), Section 6, Air Conditioning and
22 Refrigeration Contractor License Law (Article 8861, Vernon's Texas
23 Civil Statutes), is amended to read as follows:

24 (a) This Act does not apply to a person who:

25 (1) performs air conditioning and refrigeration
26 contracting in a building owned solely by him as his home;

27 (2) performs air conditioning or refrigeration
28 maintenance work if (i) the person is a maintenance man or
29 maintenance engineer who is a regular bona fide employee of the
30 property owner, the property lessee, or the management company
31 managing the property where the maintenance work is being
32 performed, (ii) the work is performed in connection with the
33 business in which the person is employed, and (iii) the person and
34 the person's employer referred to in (i) above do not engage in the
35 occupation of air conditioning and refrigeration contracting for
36 the general public;

37 (3) performs air conditioning and refrigeration
38 contracting and is regularly employed by a regulated electric or
39 gas utility;

40 (4) is licensed as a professional engineer under The
41 Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
42 Statutes), performs work in connection with the business in which
43 the person is employed, and does not engage in the practice of air
44 conditioning and refrigeration contracting for the general public;

45 (5) performs process cooling or heating work for an
46 industrial operation such as a chemical plant, petrochemical plant,
47 refinery, natural gas plant, or natural gas treating plant ~~[when~~
48 ~~employed-by-that-operation]~~;

49 (6) performs air conditioning and refrigeration
50 contracting on:

51 (A) a portable or self-contained ductless air
52 conditioning or refrigeration product that has a cooling capacity
53 of three tons or less;

54 (B) a portable or self-contained heating product
55 that does not require the forced movement of air outside the
56 heating unit; or

57 (C) environmental air conditioning equipment
58 that is intended for temporary use and is not fixed in place; or

59 (7) performs air conditioning services only on a motor
60 vehicle air conditioning unit or who employs a person who performs
61 air conditioning services only on a motor vehicle air conditioning
62 unit.

63 SECTION 2. This Act takes effect September 1, 1995.

64 SECTION 3. The importance of this legislation and the
65 crowded condition of the calendars in both houses create an
66 emergency and an imperative public necessity that the
67 constitutional rule requiring bills to be read on three several
68 days in each house be suspended, and this rule is hereby suspended.

69 * * * * *

FAVORABLY AS AMENDED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR Sele
By Armbrister
(Author/Senate Sponsor)
2-13-95
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on 2-13-95, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- () do pass with _____ amendments, and be printed
() do pass with _____ amendments, and be ordered not printed
() and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. () yes () no

A revised fiscal note was requested. () yes () no

An actuarial analysis was requested. () yes () no

Considered by subcommittee. () yes () no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	✓			
Senator Wentworth, Vice-Chair	✓			
Senator Cain			✓	
Senator Gallegos	✓			
Senator Galloway	✓			
Senator Henderson	✓			
Senator Leedom			✓	
Senator Luna	✓			
Senator Nelson	✓			
Senator Nixon	✓			
Senator Rosson	✓			
Senator West			✓	
Senator Whitmire			✓	
TOTAL VOTES	9	0	4	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Kathy C. Gilbert
COMMITTEE CLERK

[Signature]
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with THREE signed copies of each committee amendment adopted
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

S.B. 266
By: Harris
Jurisprudence
02-6-95
As Filed

BACKGROUND

Employees of industrial operations have always been exempt from the regulation of air conditioning and refrigeration contractors. Recent interpretations by the Air Conditioning Contractor Licensing Board (board), however, have questioned whether maintenance contractors employed by the industrial operation working on the secured premises of and in conformity with the safety and engineering standards of the industrial operation are also exempt. Since maintenance contractors are customarily carefully screened before working on plant equipment, and are subject to the same plant safety regulations as employees, some members of the industry have suggested that they are and should be exempt from the provisions of the law. In addition, much of the work performed by maintenance and other contractors involves specialized work not covered by current testing or the study materials suggested by the board.

PURPOSE

As proposed, S.B. 266 exempts certain individuals from the regulation of air conditioning and refrigeration contractors.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6(a), Article 8861, V.T.C.S. (Air Conditioning and Refrigeration Contractor License Law), to provide that a person who performs process cooling or heating work for an industrial operation is exempt from the regulation of air conditioning and refrigeration contractors, rather than exempt only when the person is employed by that operation.

SECTION 2. Effective date: September 1, 1995

SECTION 3. Emergency clause.

BILL ANALYSIS

Senate Research Center

S.B. 266
By: Armbrister
State Affairs
2-15-95

Committee Report (Amended)

BACKGROUND

Employees of industrial operations have always been exempt from the regulation of air conditioning and refrigeration contractors. Recent interpretations by the Air Conditioning Contractor Licensing Board (board), however, have questioned whether maintenance contractors employed by the industrial operation working on the secured premises of and in conformity with the safety and engineering standards of the industrial operation are also exempt. Since maintenance contractors are customarily carefully screened before working on plant equipment, and are subject to the same plant safety regulations as employees, some members of the industry have suggested that they are and should be exempt from the provisions of the law. In addition, much of the work performed by maintenance and other contractors involves specialized work not covered by current testing or the study materials suggested by the board.

PURPOSE

As proposed, S.B. 266 exempts certain individuals from the regulation of air conditioning and refrigeration contractors.

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It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6(a), Article 8861, V.T.C.S. (Air Conditioning and Refrigeration Contractor License Law), to provide that a person who performs process cooling or heating work for and on the premises of an industrial operation to which the general public is not routinely granted access is exempt from the regulation of air conditioning and refrigeration contractors, rather than exempt only when the person is employed by that operation. Defines "industrial operation."

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

February 3, 1995

**TO: Honorable Ken Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas**

**IN RE: Senate Bill No. 266
By: Armbrister**

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

The bill amends the Texas Air Conditioning and Refrigeration Contractor License Law relating to exemptions for those who perform process cooling or heating work for industrial operations. The bill is effective September 1, 1995.

No fiscal implication to units of local government is anticipated.

No significant fiscal implication to the State is anticipated.

**Source: Comptroller of Public Accounts, Department of Licensing and Regulation
LBB Staff: JK, LR, DF**

From: S7570B4 --TXLCNJE Date and time 02/13/95 11:36:42
----- NOTE -----
Subject: SB 266 (BILL NO.) WITNESS - STATE AFFAIRS
Revised: _ WITNESS FORM
74th Legislature

COMMITTEE: State Affairs
BILL: SB 266 _____ DATE: 02 13 95

		FOR	AGAINST	ON
Name:	Frank Young			
Representing:	Young & Son AC Service			
City:	Houston, TX	x	-	-
Name:	Nancy Jones			
Representing:	Tx. AC Contractors Assn.			
City:	Austin, TX	x	-	-
Name:	Fred Kahn			
Representing:	TACCA			
City:	Austin, TX	x	-	-
Name:	Rick Ley			
Representing:	TX AFL/CIO			
City:	Austin, TX	x	-	-
Name:	James Brush			
Representing:	TX. Dpt. Licensing & Reg.			
City:	Austin, TX	-	-	x
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
City:		-	-	-

PART 1_ OF 1_

<<<<===== E N D O F F O R M =====>>>>

From: S7570B2 --TXLCNJE

Date and time

02/06/95 13:46:02

NOTE

Subject: SB266_ (BILL NO.) WITNESS - STATE AFFAIRS

Revised: _

WITNESS FORM
74th Legislature

COMMITTEE: State Affairs

BILL: SB266_____

DATE: 02 06 95

	FOR	AGAINST	ON
Name: Matt Stewart_____			
Representing: Miles, Inc._____			
City: Baytown, TX_____	x	-	-
Name: William Nash_____			
Representing: H.B. Zachry Co._____			
City: San Antonio, TX_____	x	-	-
Name: Ben Sebree_____			
Representing: TX Mid-Cont. Oil & Gas_____			
City: Austin, TX_____	x	-	-
Name: Frank Thompson_____			
Representing: Brown & Root, Inc._____			
City: Houston, TX_____	x	-	-
Name: Ken Rigsbee_____			
Representing: Phillips Petroleum_____			
City: Austin, TX_____	x	-	-
Name: Mary Miksa_____			
Representing: Tx. Assc. of Bus. and C of C_____			
City: Austin, Tx_____	x	-	-
Name: David Sebree_____			
Representing: DuPont & Conoco_____			
City: Austin, TX_____	x	-	-
Name: Bob Stout_____			
Representing: Mitchell Energy & Development_____			
City: The Woodlands, TX_____	x	-	-
Name: Jon Fisher_____			
Representing: Texas Chemical Council_____			
City: Austin, TX_____	x	-	-
Name: Julian Ward_____			
Representing: Brown & Root, Inc._____			
City: Houston, TX_____	x	-	-
Name: Curtis Conrad_____			
Representing: Phillips Petroleum_____			
City: Borger, TX_____	x	-	-

PART 1_ OF _

<<<<===== E N D O F F O R M =====>>>>

----- NOTE -----

Subject: SB 266_ (BILL NO.) WITNESS - STATE AFFAIRS
Revised: _ WITNESS FORM
74th Legislature

COMMITTEE: State Affairs
BILL: SB 266

DATE: 02 06 95

		FOR	AGAINST	ON
Name:	JIM REYNOLDS			
Representing:	MECHANICAL CONTRACTORS ASSN.			
City:	AUSTIN, TEXAS	-	X	-
Name:	JAMES BRUSH			
Representing:	TX DEPT OF LICENSING & REGULA.			
City:	AUSTIN, TEXAS	-	-	X
Name:	PAULINE DENSON			
Representing:	TX DEPT OF LICENSING & REGULA.			
City:	AUSTIN, TEXAS	-	-	X
Name:	FRED KAHN			
Representing:	TACCA			
City:	AUSTIN, TEXAS	-	X	-
Name:	NANCY JONES			
Representing:	TX AIR CONDITIONING CONTRACTOR			
City:	AUSTIN, TEXAS	-	X	-
Name:	JACK DAILY			
Representing:	BROWN AND ROOT			
City:	HOUSTON, TEXAS	X	-	-
Name:				
Representing:		-	-	-
City:				
Name:				
Representing:		-	-	-
City:				
Name:				
Representing:		-	-	-
City:				
Name:				
Representing:		-	-	-
City:				

PART _ OF _

<<<<===== E N D O F F O R M =====>>>>

COMMITTEE AMENDMENT NO. 1

BY: [Signature]

Amend S.B. No. 266 by striking all of Subsection ^{Division} (5) beginning on Line 5, Page 2, and substituting the following:

(5) performs process cooling or heating work for and on the premises of an industrial operation to which the general public is not routinely granted access. ~~[such as a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treating plant when employed by that operation;]~~ For purposes of this section, "industrial operation" means a chemical plant, petrochemical plant, refinery, a natural gas plant, natural gas treating plant, oil or gas well, or mining operation;

[or]

[such as]

[when employed by that operation.]

* change at printing

ADOPTED

FEB 16 1995

[Signature]
Secretary of the Board

Com. Am. # 1


2-14-95

2-16-95

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

FEB 16 1995


Secretary of the Center

February 16 1995 Engrossed

Daisy Law
Engrossing Clerk

I certify that this document is a true
and correct copy of the engrossed Senate
measure as it was received from the Senate
and referred to the Committee on

95 FEB 21 PM 4:14

HOUSE OF REPRESENTATIVES

Licensing and Administrative Procedures

Cynthia Schubert

Chief Clerk of the House

By: Armbrister

S.B. No. 266

A BILL TO BE ENTITLED

AN ACT

1 relating to an exemption from the regulation of air conditioning
2 and refrigeration contractors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subsection (a), Section 6, Air Conditioning and
5 Refrigeration Contractor License Law (Article 8861, Vernon's Texas
6 Civil Statutes), is amended to read as follows:

7 (a) This Act does not apply to a person who:

8 (1) performs air conditioning and refrigeration
9 contracting in a building owned solely by him as his home;

10 (2) performs air conditioning or refrigeration
11 maintenance work if (i) the person is a maintenance man or
12 maintenance engineer who is a regular bona fide employee of the
13 property owner, the property lessee, or the management company
14 managing the property where the maintenance work is being
15 performed, (ii) the work is performed in connection with the
16 business in which the person is employed, and (iii) the person and
17 the person's employer referred to in (i) above do not engage in the
18 occupation of air conditioning and refrigeration contracting for
19 the general public;

20 (3) performs air conditioning and refrigeration
21 contracting and is regularly employed by a regulated electric or
22 gas utility;

23 (4) is licensed as a professional engineer under The

1 Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
2 Statutes), performs work in connection with the business in which
3 the person is employed, and does not engage in the practice of air
4 conditioning and refrigeration contracting for the general public;

5 (5) performs process cooling or heating work for and
6 on the premises of an industrial operation to which the general
7 public is not routinely granted access. For purposes of this
8 section, "industrial operation" means [~~such-as~~] a chemical plant,
9 petrochemical plant, refinery, natural gas plant, [~~or~~] natural gas
10 treating plant, oil or gas well, or mining operation [~~when-employed~~
11 ~~by-that-operation~~];

12 (6) performs air conditioning and refrigeration
13 contracting on:

14 (A) a portable or self-contained ductless air
15 conditioning or refrigeration product that has a cooling capacity
16 of three tons or less;

17 (B) a portable or self-contained heating product
18 that does not require the forced movement of air outside the
19 heating unit; or

20 (C) environmental air conditioning equipment
21 that is intended for temporary use and is not fixed in place; or

22 (7) performs air conditioning services only on a motor
23 vehicle air conditioning unit or who employs a person who performs
24 air conditioning services only on a motor vehicle air conditioning
25 unit.

S.B. No. 266

1 SECTION 2. This Act takes effect September 1, 1995.

2 SECTION 3. The importance of this legislation and the
3 crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

February 16, 1995

TO: Honorable Ken Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 266,
as amended
By: Armbrister

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

No significant fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: LBB Staff: JK, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

February 3, 1995

TO: Honorable Ken Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 266
By: Armbrister

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

The bill amends the Texas Air Conditioning and Refrigeration Contractor License Law relating to exemptions for those who perform process cooling or heating work for industrial operations. The bill is effective September 1, 1995.

No fiscal implication to units of local government is anticipated.

No significant fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts, Department of Licensing and Regulation
LBB Staff: JK, LR, DF

HOUSE COMMITTEE REPORT

1st Printing

By Armbrister
(Uher)
Substitute the following for S.B. No. 266:

S.B. No. 266

By Yarbrough

C.S.S.B. No. 266

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from the regulation of air conditioning and refrigeration contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6(a), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This Act does not apply to a person who:

(1) performs air conditioning and refrigeration contracting in a building owned solely by him as his home;

(2) performs air conditioning or refrigeration maintenance work if (i) the person is a maintenance man or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the maintenance work is being performed, (ii) the work is performed in connection with the business in which the person is employed, and (iii) the person and the person's employer referred to in (i) above do not engage in the occupation of air conditioning and refrigeration contracting for the general public;

(3) performs air conditioning and refrigeration contracting and is regularly employed by a regulated electric or gas utility;

(4) is licensed as a professional engineer under The

1 Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
2 Statutes), performs work in connection with the business in which
3 the person is employed, and does not engage in the practice of air
4 conditioning and refrigeration contracting for the general public;

5 (5) performs diagnostic tests, maintenance,
6 modifications, repair, replacement, removal, or installation of
7 process cooling or heating systems integrated in the manufacturing
8 or production operations of [work--for] an industrial facility,
9 [operation--such--as--a--chemical] plant, [petrochemical---plant,
10 refinery,--natural--gas--plant,] or factory [natural-gas-treating
11 plant-when-employed-by-that-operation];

12 (6) performs air conditioning and refrigeration
13 contracting on:

14 (A) a portable or self-contained ductless air
15 conditioning or refrigeration product that has a cooling capacity
16 of three tons or less;

17 (B) a portable or self-contained heating product
18 that does not require the forced movement of air outside the
19 heating unit; or

20 (C) environmental air conditioning equipment
21 that is intended for temporary use and is not fixed in place; [or]

22 (7) performs air conditioning services only on a motor
23 vehicle air conditioning unit or who employs a person who performs
24 air conditioning services only on a motor vehicle air conditioning
25 unit; or

26 (8) performs air conditioning and refrigeration
27 contracting as a retail or wholesale dealer of liquefied petroleum

1 gas if the person holds a license issued by the Railroad Commission
2 of Texas under Chapter 113, Natural Resources Code.

3 SECTION 2. This Act takes effect September 1, 1995.

4 SECTION 3. The importance of this legislation and the
5 crowded condition of the calendars in both houses create an
6 emergency and an imperative public necessity that the
7 constitutional rule requiring bills to be read on three several
8 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
 Speaker of the House of Representatives

4-21-95
 (date)

Sir:
 We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES
 to whom was referred SB 266 have had the same under consideration and beg to report
 back with the recommendation that it

- ☐ do pass, without amendment.
 ☐ do pass, with amendment(s).
 ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
 ☐ yes ☒ no A criminal justice policy impact statement was requested.
 ☐ yes ☒ no An equalized educational funding impact statement was requested.
 ☐ yes ☒ no An actuarial analysis was requested.
 ☐ yes ☒ no A water development policy impact statement was requested.
 ☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor UHER
 Joint Sponsors _____ / _____ / _____ / _____
 Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.	X			
Brimer				X
Dear	X			
Goolsby	X			
Jones, D.	X			
Pickett	X			
Torres	X			
Yarbrough	X			

Total

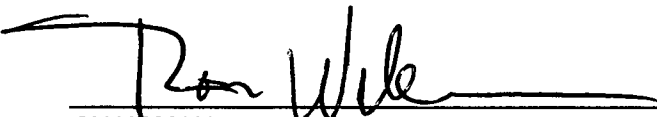
8

2

0

1

aye
 nay
 present, not voting
 absent


 CHAIRMAN

BILL ANALYSIS

Licensing & Administrative Procedures Committee
C.S.S.B. 266
By: Armbrister (Uher)
4-21-95
Committee Report (Substituted)

BACKGROUND

Air conditioning contractors are licensed and regulated by the Texas Department of Licensing and Regulation under the authority granted by the Texas Air Conditioning and Refrigeration Contractor Licensing Law (Articles 8861 and 9100, V.T.C.S.).

PURPOSE

S.B. 266 exempts certain individuals from the regulation of air conditioning and refrigeration contractors.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6(a), Article 8861, V.T.C.S. (Air Conditioning and Refrigeration Contractor License Law), provides that this act does not apply to a person who performs diagnostic tests, maintenance, modifications, repair, replacement, removal, or installation of process cooling or heating systems integrated in the manufacturing or production operations of an industrial facility, plant, or factory.

Adds (8) to exempt those who perform air conditioning and refrigeration contracting as a retail or wholesale dealer of liquified petroleum gas, if the person holds a license issued by the Railroad Commission, under Chapter 113, Natural Resources Code.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute includes an exemption for those who perform services in industrial operations such as diagnostic tests, maintenance, modifications, repair, replacement, removal or installation of systems integrated in the manufacturing or production operations of an industrial facility, plant or factory. It also exempts from the Air Conditioning and Refrigeration Contractor Licensing Law, retail and wholesale dealers of liquefied petroleum gas licensed by the Rail Road Commission under Chapter 113, Natural Resources Code. The original did not provide for this.

SUMMARY OF COMMITTEE ACTION

SB 266 was heard in a Formal Meeting on April 21, 1995. The Chair laid out SB 266 which was the Senate Companion to HB 660 which was pending in subcommittee. There was no objection. Rep. Yarbrough offered a complete committee substitute to SB 266, and moved that the full committee adopt CSSB 266. There was no objection. Rep. Jones moved that the full

committee adopt SB 266 as substituted, and that it be reported favorably to the full House with the recommendation that it do pass and be printed. The motion prevailed by the following vote: AYES: 8, NAYS: 0, ABSENT: 1.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 8, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: Senate Bill No. 266
As engrossed
By: Armbrister

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

No significant fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: LBB Staff: JK, CT, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

February 16, 1995

TO: Honorable Ken Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 266,
as amended
By: Armbrister

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

No significant fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: LBB Staff: JK, DF

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

February 3, 1995

**TO: Honorable Ken Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas**

**IN RE: Senate Bill No. 266
By: Armbrister**

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 266 (Relating to an exemption from the regulation of air conditioning and refrigeration contractors.) this office has determined the following:

The bill amends the Texas Air Conditioning and Refrigeration Contractor License Law relating to exemptions for those who perform process cooling or heating work for industrial operations. The bill is effective September 1, 1995.

No fiscal implication to units of local government is anticipated.

No significant fiscal implication to the State is anticipated.

**Source: Comptroller of Public Accounts, Department of Licensing and Regulation
LBB Staff: JK, LR, DF**

S.B. No. 266

By Arthur B. Bunker

A BILL TO BE ENTITLED

AN ACT:

relating to an exemption from the regulation of air conditioning and refrigeration contractors

JAN 19 1995

Filed with the Secretary of the Senate

JAN 23 1995

Read and referred to Committee on STATE AFFAIRS

FEB 14 1995

Reported favorably as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

FEB 16 1995

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent
30 yeas, 0 nays

FEB 16 1995

Read second time, Amended, and ordered engrossed by:

{ unanimous consent
a viva voce vote
____ yeas, ____ nays

FEB 16 1995

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

FEB 16 1995

Read third time, _____, and passed by:

{ A viva voce vote
____ yeas, ____ nays

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

FEB 16 1995

Engrossed

2-20-95

Sent to House

Engrossing Clerk

Ruby Spaw

FEB 20 1995

Received from the Senate

FEB 21 1995

Read first time and referred to Committee on LICENSING AND ADMINISTRATIVE PROCEDURES

4-21-95

Reported _____ favorably (~~as amended~~) (as substituted)

MAY 04 1995

Sent to Committee on (Calendars) (~~Local & Consent Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

100-111785
HOUSE OF REPRESENTATIVES